

Exhibit E

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

CITY OF GREENVILLE, ILLINOIS,)
et al.,)
Plaintiffs,)
vs.) Case No.
SYNGENTA CROP PROTECTION, INC.,) 10-cv-188-JPG-PMF
et al.,)
Defendants.)

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF VERNON RICHARD HAWKINS

VOLUME I

Tuesday, November 9, 2010

At: 10:05 a.m.

Taken at:

Regus Business Centers
7800 Airport Center Drive
Suite 401
Greensboro, North Carolina

Reported in Stenotype by
V. Dario Stanziola, CSR, RPR, CRR

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<p>1 APPEARANCES 2 ON BEHALF OF THE PLAINTIFFS: 3 STEPHEN M. TILLERY, Esq. 4 MICHAEL KLENOV, Esq. 5 ROSEMARIE FIORILLO, Esq. 6 JERRY BROWN, Esq. 7 Korein Tillery, LLC 8 505 N. 7th Street, Suite 3600 9 St. Louis, Missouri 63101 10 Phone: 314.241.4844 Fax: 314.241.3525 11 E-mail: stillery@koreintillery.com 12 E-mail: mklenov@koreintillery.com</p> <p>13 ON BEHALF OF THE DEFENDANTS: 14 MICHAEL A. POPE, Esq. 15 PETER SCHUTZEL, Esq. 16 McDermott Will & Emery LLP 17 227 West Monroe Street 18 Chicago, Illinois 60606 19 Phone: 312.372.2000 Fax: 312.984.7700 20 E-mail: mpope@mwe.com 21 E-mail: pschutzel@mwe.com</p> <p>22 Also Present: 23 ALAN NADEL, Esquire 24 Syngenta Crop Protection, Inc.</p> <p>25 GARY TODD, CLVS, Videographer</p> <p>26 VIDEOTAPED DEPOSITION OF VERNON RICHARD 27 HAWKINS, a witness called on behalf of the 28 Plaintiffs, before V. Dario Stanzola, CSR, RPR, 29 CRR, Notary Public, in and for the State of North 30 Carolina, held at the Regus Business Centers, 7800 31 Airport Center Drive, Suite 401, Greensboro, North 32 Carolina, on Tuesday, November 9, 2010, commencing 33 at 10:05 a.m.</p>	<p>1 Plaintiff's Exhibit 9: An e-mail string 168 2 with the top from Ayannah Chance dated 3 11/11/07, Bates GRNVL0000064902 4 Plaintiff's Exhibit 10: An e-mail string 171 5 with the top from Eileen Watson dated 6 4/27/06, Bates GRNVL0000052306 7 Plaintiff's Exhibit 11: An e-mail string 175 8 with the top from John Abbott dated 9 11/9/05, Bates SYN01190631 - 32 10 Plaintiff's Exhibit 12: An e-mail string 177 11 with the top from Rush Ducote dated 12 12/7/04, Bates GRNVL0000064978 13 Plaintiff's Exhibit 13: An e-mail 181 14 document from Willy Maurer dated 15 11/4/05, Bates SYN02781966 16 Plaintiff's Exhibit 14: An e-mail string 185 17 with the top from Scott Langkamp dated 18 3/22/06, Bates GRNVL0000065798 - 799 19 Plaintiff's Exhibit 15: An e-mail string 187 20 with the top from Philippe Costrop dated 21 5/19/08, Bates SYN02768444 - 445 22 Plaintiff's Exhibit 16: An e-mail string 190 23 with the top from Susan Morris dated 24 10/19/06, Bates GRNVL0000042446 - 448 25 Plaintiff's Exhibit 17: Syngenta 195 26 Triazine Supply Chain Redesign July 27 2004, Bates SYN01146557 - 6607 28 Plaintiff's Exhibit 18: An e-mail string 204 29 with the top from Scott Langkamp dated 30 6/13/07, Bates SYN03446466 31 Plaintiff's Exhibit 19: An e-mail string 208 32 with the top from Jasper Barnes dated 33 6/10/09, Bates SYN03146593 - 6594 34 Plaintiff's Exhibit 20: An e-mail string 212 35 with the top from Barbara Descenzo dated 36 11/21/07, Bates GRNVL0000065140 - 142</p>
<p>1 INDEX OF EXAMINATIONS 2 3 By Mr Tillery PAGE 7</p> <p>4 5 6 INDEX OF EXHIBITS 7 NUMBER EXHIBIT MARKED 8 Plaintiff's Exhibit Number 1: E-mail 73 9 string with the top from Tobias Meili 10 dated 6/27/08, Bates GRNVL0000085568 - 11 5572 12 Plaintiff's Exhibit 2: Syngenta document 119 13 entitled Summary Notes dated 6/26/09, 14 Bates GRNVL0000080732 - 0737 15 Plaintiff's Exhibit 3: An e-mail string 124 16 with the top from Brian Manley dated 17 3/20/06, Bates SYN03444291 18 Plaintiff's Exhibit 4: An e-mail string 128 19 with the top from Pat Stiner dated 20 7/6/06, Bates GRNVL0000042011 - 2012 21 Plaintiff's Exhibit 5: An e-mail string 131 22 with the top from Robert Wurz dated 23 10/24/01, Bates SYN01791910 24 Plaintiff's Exhibit 6: An e-mail string 136 25 with the top from Dan Campbell dated 26 10/19/07, Bates SYN012751724 - 726 27 Plaintiff's Exhibit 7: A document 140 28 entitled Review of Triazine Strategy 29 from a Global Perspective March 22, 2005 30 Greensboro, Bates SYN02781983 - 2726 31 Plaintiff's Exhibit 8: An e-mail string 163 32 with the top from Ayannah Chance, Bates 33 GRNVL0000064906 - 907</p>	<p>1 Plaintiff's Exhibit 21: Syngenta Minutes 215 2 dated 7/5/03, Bates SYN00756454 - 6477 3 Plaintiff's Exhibit 22: Syngenta 221 4 document entitled Syngenta Production 5 Strategies in the U.S. and Worldwide, 6 Bates SYN01790993 - 994 7 Plaintiff's Exhibit 23: An e-mail string 226 8 with the top from Frank Knight dated 9 12/7/06, Bates SYN02995494 10 8 11 9 12 10 13 11 14 12 15 13 16 14 17 15 18 16 19 17 20 18 21 19 22 20 23 21 24 22 25 23 26 24 27 25</p>

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<p>1 THE VIDEOGRAPHER: Here begins the 2 videotaped deposition of Vernon Hawkins, tape 3 one, volume one in the matter of City of 4 Greenville, Illinois, et al. v. Syngenta Crop 5 Protection Incorporated, et al., Case Number 6 10-CV-188-JPG-PMF. Today's date is 7 November 9th, 2010. And the time on the video 8 monitor is 10 o'clock and five minutes.</p> <p>9 The video operator today is Gary Todd of 10 TeleVisual representing WestLaw Deposition 11 Services. The court reporter is Dario 12 Stanziola of Huseby Incorporated, reporting on 13 behalf of WestLaw Deposition Services.</p> <p>14 Today's deposition is being taken on 15 behalf of the plaintiff and is taking place at 16 7800 Airport Center Drive, Suite 401, 17 Greensboro, North Carolina.</p> <p>18 Counsel, please introduce yourselves and 19 state whom you represent.</p> <p>20 MR. TILLERY: For the plaintiffs, Steve 21 Tillery, Michael Klenov, Rosemarie Fiorillo 22 from the law firm of Korein Tillery in St. 23 Louis.</p> <p>24 MR. POPE: For the defendant, Michael 25 Pope and Peter Schutzel from McDermott, Will &</p>	<p>1 A. I have, yes. 2 Q. And how many? 3 A. Three or four, I believe. 4 Q. Okay. And how many times -- other times 5 have you testified besides depositions? 6 A. I don't recall any other testimonies 7 other than the depositions. 8 Q. Okay. And could you tell me what those 9 depositions involved? 10 A. They were related to data compensation 11 via arbitration cases. I believe there was one 12 particular case related to a disagreement with the 13 EPA related to data comp as well. 14 Q. Would you, for the record, explain what 15 data compensation means? 16 A. Sure. Data compensation is when a 17 manufacturer, the proprietary company that invents 18 a product, has certain rights to the use of the 19 data if other people want to enter the market. And 20 so it's a legal process which the manufacturer can 21 ensure that they get paid the fair -- the fair 22 share of the data if somebody else chooses to use 23 it in the marketplace. 24 Q. Why don't you give us an example of that. 25 A. An example would be we sell a particular</p>
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<p>1 Emery in Chicago.</p> <p>2 MR. NADEL: Alan Nadel, Syngenta Crop 3 Protection, Inc.</p> <p>4 THE VIDEOGRAPHER: Others present.</p> <p>5 MR. TILLERY: Others present is Jerry 6 Brown from Korein Tillery.</p> <p>7 THE VIDEOGRAPHER: Would the court 8 reporter please swear in the witness.</p> <p>9 (Witness Sworn.)</p> <p>10 THE VIDEOGRAPHER: Please continue.</p> <p>11 VERNON RICHARD HAWKINS, 12 having been duly sworn, was examined and testified 13 as follows:</p> <p>14 EXAMINATION</p> <p>15 BY MR. TILLERY:</p> <p>16 Q. Would you state your name for the record, 17 please.</p> <p>18 A. Vernon Richard Hawkins.</p> <p>19 REDACTED</p> <p>20 Q. When and where were you born, sir?</p> <p>21 A. I was born in Kokomo, Indiana in 1963.</p> <p>22 Q. Have you ever had a deposition before?</p>	<p>1 compound that we invented, and after the patent 2 fall, a company may choose to enter and they would 3 make a claim to pay, and then we would seek an 4 agreement on the payment amount. And if there is 5 an agreement on the payment amount, often 6 arbitration is how you settle what the value of the 7 data is worth. Meanwhile, the company that chooses 8 to enter is able to sell and the arbitration is 9 about what is the value that the company would owe 10 the proprietary inventor.</p> <p>11 Q. And you have testified in you think three 12 or four of those?</p> <p>13 A. I believe. I recall three or four, yes.</p> <p>14 Q. Did the -- did you testify by deposition or 15 at the arbitration?</p> <p>16 A. I believe I've done both.</p> <p>17 Q. But you don't know for certain?</p> <p>18 A. I do recall that they were different.</p> <p>19 One I was in the arbitration recently in 2010. The 20 others were a few years ago. And one of those I 21 believe was a deposition.</p> <p>22 Q. Any of these involve atrazine?</p> <p>23 A. Yes.</p> <p>24 Q. All of them involve atrazine?</p> <p>25 A. No.</p>

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<p>1 Q. Are there any other groups that report to 2 you besides Mexico and Canada? 3 A. No, there are not. Outside of the U.S. 4 Q. Now, in terms of functional reporting 5 relationships, are there people within the Syngenta 6 Crop Protection entity who have functional reporting 7 relationships outside of Syngenta Crop Protection, 8 Inc.? 9 A. Could you ask that question again, 10 please. 11 Q. Sure. 12 Are there people at Syngenta Crop 13 Protection, Inc. who have functional reporting 14 relationships with people outside of that company? 15 A. In terms of the dotted line definition? 16 Q. Yes. 17 A. I'm sure there are. I don't know exactly 18 who. But certainly in the course of global 19 strategy development, there are a number of 20 functional dotted line relationships to make the 21 best decision for the company. 22 Q. And those would be outside of the legal 23 entity of Syngenta Crop Protection, Inc., wouldn't 24 they? 25 A. Those being?</p>	<p>1 You said using functional reporting 2 relationships is best for your company. What were 3 you referring to when you said the company? 4 A. Well, if I look at Syngenta from a global 5 standpoint, as I said, we have a global strategy 6 philosophy and we have a local implementation and 7 execution implementation plan. So Syngenta Crop 8 Protection, Inc. is accountable for the local 9 implementation. And the global strategy aspect is 10 about getting the best input from all parts of the 11 company to make the best decision, be efficient, be 12 effective. So that's really what I was trying to 13 convey there. 14 Q. When you started your job in January of 15 this year, was that a promotion? 16 A. It was, yes. 17 Q. And tell me how it was that you obtained 18 that job? Did you apply for it? 19 A. That particular job was -- became open 20 because my predecessor chose to leave the company. 21 Q. And who's your predecessor? 22 A. Valdemar Fischer was his name. And he 23 left the company. And so I received a call from 24 John Atkin seeking my interest in the role. 25 Q. When did he call you?</p>
<p>1 Q. Those functional reporting relationships? 2 A. Where the dotted line connects to, yes. 3 Q. Yes. 4 A. Yes. 5 Q. And that would exist independent of the 6 corporate structure of the particular entities for 7 which the people were employed? 8 MR. POPE: When you say that, you're 9 referring to functional reporting 10 relationships? 11 MR. TILLERY: Correct. 12 A. So please restate the question. 13 Q. Well, that functional reporting 14 relationship would exist independent of the corporate 15 structure of the particular entities for which those 16 different people were employed? 17 A. Yeah, the way our company operates, 18 certainly we look for functional excellence we call 19 it. So it would make sense for the people in the 20 U.S. market and the European market to be talking 21 to the global functional head about best practice. 22 So in that sense, yes, they would communicate. 23 Q. A minute ago you used the term that using 24 functional reporting relationships would -- I'm 25 trying to get -- strike the question.</p>	<p>1 A. Would have been over the Thanksgiving 2 holiday. 3 Q. Of 2009? 4 A. Of 2009. 5 Q. Did you speak to anybody else about the 6 job? 7 A. After I spoke with John, I did go have a 8 discussion with other members of the Syngenta 9 executive committee to better -- it was effectively 10 an interview. But it was mostly to understand 11 expectations of the role and vice versa, make sure 12 that I understood the role. 13 Q. Where did you have those interviews? 14 A. I would have traveled to Basel for those 15 discussions. 16 Q. And with whom did you meet? 17 A. I don't recall the whole list, but I 18 would have met with six or seven of the members of 19 the Syngenta executive committee. 20 Q. So did you meet with Mr. Mack? 21 A. I did meet with Mr. Mack, yes. 22 Q. Prior to your job as head of -- strike 23 that. 24 Prior to your job as president of Syngenta 25 Crop Protection, Inc., did you have a functional</p>

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